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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 DEMARLO BERRY,  
11 Plaintiff(s),

Case No.: 2:19-cv-00640-APG-NJK

12 v.

Order

13 LAS VEGAS METROPOLITAN POLICE  
14 DEPARTMENT, et al.,  
15 Defendant(s).

16 Pending before the Court is a Stipulated Protective Order, which the Court approved to  
17 facilitate discovery in this case. This order reminds counsel that there is a presumption of public  
18 access to judicial files and records. A party seeking to file a confidential document under seal  
19 must file a motion to seal and must comply with the Ninth Circuit's directives in *Kamakana v. City*  
20 *and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

21 The Court has adopted electronic filing procedures. Attorneys must file documents under  
22 seal using the Court's electronic filing procedures. *See* Local Rule IA 10-5. Papers filed with the  
23 Court under seal must be accompanied with a concurrently-filed motion for leave to file those  
24 documents under seal. *See* Local Rule IA 10-5(a).

25 The Court has approved the blanket protective order to facilitate discovery exchanges. But  
26 **there has been no showing, and the Court has not found, that any specific documents are**  
27 **secret or confidential.** The parties have not provided specific facts supported by declarations or  
28 concrete examples to establish that a protective order is required to protect any specific trade secret

1 or other confidential information pursuant to Rule 26(c) or that disclosure would cause an  
2 identifiable and significant harm. The Ninth Circuit has held that there is a presumption of public  
3 access to judicial files and records, and that parties seeking to maintain the confidentiality of  
4 documents attached to nondispositive motions must show good cause exists to overcome the  
5 presumption of public access. *See Kamakana* 447 F.3d at 1179. Parties seeking to maintain the  
6 secrecy of documents attached to dispositive motions must show compelling reasons sufficient to  
7 overcome the presumption of public access. *Id.* at 1180. **All motions to seal must address the**  
8 **applicable standard and explain why that standard has been met.** The fact that a court has  
9 entered a blanket stipulated protective order and that a party has designated a document as  
10 confidential pursuant to that protective order does not, standing alone, establish sufficient grounds  
11 to seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th  
12 Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

13 If the sole ground for a motion to seal is that the opposing party (or non-party) has  
14 designated a document as confidential, the designator shall file (within seven days of the filing of  
15 the motion to seal) either (1) a declaration establishing sufficient justification for sealing each  
16 document at issue or (2) a notice of withdrawal of the designation(s) and consent to unsealing. If  
17 neither filing is made, the Court may order the document(s) unsealed without further notice.

18 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule IA 10-  
19 5, the Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above,  
20 with respect to any documents filed under seal. **To the extent any aspect of the stipulated protective**  
21 **order may conflict with this order or Local Rule IA 10-5, that aspect of the stipulated protective**  
22 **order is hereby superseded with this order.**

23 IT IS SO ORDERED.

24 Dated: November 4, 2019

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27 Nancy J. Koppe  
28 United States Magistrate Judge